



01-11-07

DAC -#

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

Inventor(s): Marvin A. Ornstein et al

Title: "METHOD AND APPARATUS FOR ACCUMULATING
BETTING DATA IN GAMES OF CHANCE"

USSN: 09/305,562

Filed: 06/08/1999

Applicant's No. MAO-3.0

Commissioner for Patents

PETITION TO ACCEPT PAYMENT OF FEES UNDER 37 CFR
1.137(b) AND TO ISSUE A PATENT

This is a petition for the USPTO to accept payment of an apparent deficiency in the fees due in this Application, which Application is not available in the public image file wrappers. Neither Assignee of Record nor the Attorney of Record in this Application have received a Notice of Deficiency or Notice of Abandonment.

A previous NOTICE OF ALLOWANCE AND FEE(S) DUE was issued in this Application with a payment due date of September 15, 2004, a copy of which notice is enclosed herein. The fees due in the notice provided for an ISSUE FEE of \$665 and a PUBLICATION FEE of \$300.

Attached is the affidavit of Ms. Stacey Perry, President of MAO, Inc., Assignee of the Application USSN 09/305,562, which Affidavit is incorporated herein and referenced to. The Applicants' Assignee, MAO, Inc., undertook timely to make the payment of fees pursuant to the NOTICE OF ALLOWANCE AND FEE(S) DUE. In accordance with such undertaking, on September 03, 2004, MAO, Inc., sent its check as payment of the fees then due. The amount of that check is now known to be deficient. The deficiency was a clerical error in the amount of the check. MAO's intent was to fully pay the amount due for issuance of a patent in this application. This check negotiated by the USPTO on September 20, 2004. A copy of the negotiated check and USPTO markings thereon is enclosed herein. At the time of submission of this tender, MAO, Inc., was not aware that the amount

01/12/2007 ABONDAF2 00000066 09305562

01 FC:1506 665.00 DP

of the tender was an erroneous amount, nor was Applicants' Attorney aware of the deficiency in the payment of fees.

Applicants filed its Divisional Application 11/032,756 which both MAO and this Attorney of Record earnestly believed was filed pending the USPTO issuing a Notice of Publication and the Patent in USSN 09/305,562.

After the occurrence of Hurricane Katrina a Federally declared State of Emergency was in effect for the area to include the office of the Assignee of Record, which is also the correspondence address of record. During the extended period of State of Emergency, there was difficulty in receiving mail, forwarded mail, etc. An example of a similar instance can be seen under USSN: 11/032,756. Relative is its improper classification as abandoned, subsequently reversed by the USPTO pursuant to the Official Gazette Notice respecting Hurricane Katrina.

This Attorney and MAO, Inc have deemed the subject file as inactive since the Issuance and Publication fees were presumed to be paid. In a recent review of MAO, Inc's Intellectual Property Portfolio, it was discovered that a copy of the Issued Patent was never received.

Upon inquiry with the USPTO, this Attorney was informed that the Examiner in this application was not longer employed with the Patent Office and was direct to Examiner Paul Olsweski concerning the status of Patent Application 09/305,562. Applicants' Attorney was informed that the electronic record of the USPTO indicated that the application became abandoned on March 05, 2005, apparently for non-payment of a deficiency in fee. Neither Assignee nor Attorney of Record did receive any notice of a deficiency in fees or abandonment. Please reference the attached Affidavit of the President of MAO, Inc.

Applicants/Assignee now request that the check tendered herewith be accepted for payment of the apparent deficiency in fees under the previous NOTICE OF ALLOWANCE AND FEE(S) DUE and that issuance of a patent upon the allowed claims of the application of serial number 09/305,562 be made.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terry B. Morris". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

Terry B. Morris

Reg. No. 32,345
Attorney for Applicants
225-744-3065
225-744-3067 fax

C/O MAO Gaming
1636 Popps Ferry Road, Suite 224
Biloxi, MS 39532



AFFIDAVIT OF Stacey J. Perry

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me the undersigned authority in and for the aforesaid jurisdiction the within named Stacey J. Perry, who, after being duly sworn, stated under oath that the following is true and correct to the best of her knowledge, information and belief.

1. I am the President of MAO, Inc., dba MAO Gaming, and have been at all times relevant to this Petition.
2. MAO Inc, is the Assignee of Record for USSN 09/305,562
3. MAO Inc. is a small company having two shareholders. All directors and officers of the company are shareholders and the total number of employees at any one time has not exceeded three. MAO Inc. has several patents and patent applications pending relevant to its business operations. As President, I am closely involved with the administration of MAO's patent portfolio and the legal status of same and maintain close communications with our attorney of record respecting such. .
4. On September 03, 2005, I had directed our account payable clerk to issue a check for payment in full of the fees in this application after receipt of the NOTICE OF ALLOWANCE AND FEE(S) DUE. The check was timely tendered to the USPTO for payment of these fess. When I signed MAO's check number 1378, I believed that the check amount represented the total of fees due in the NOTICE OF ALLOWANCE AND FEE(S) DUE. Until December of 2006, it has been the belief of myself as President of MAO, Inc that the amount tendered by MAO Inc. represented the payment in full in the NOTICE OF ALLOWANCE AND FEE(S) DUE.

5. At about the time of the payment of the fees in September, 2004, a set of papers had been submitted through our attorney of record to the USPTO in this application respecting correction of inventorship and assignment. In discussions with our attorney of record subsequent to the payment of fees, the matter of the timing of the receipt of notice of publication and issuance was considered. Because of the submission of the papers to correct inventorship and assignment, it was presumed by the attorney that a delay in the publication and issuance might occur. Both MAO Inc. and its attorney presumed that the notice and issuance of the patent from the patent office would occur in due course, but could be slowed by the internal administration of the recently submitted papers. We accepted this as cause for the failure to issue soon after the payment of fees discussed herein.

6. Subsequent to the payment of the fees discussed hereinabove, MAO Inc. continued prosecution for additional claims on the original application by filing its divisional application, USSN 11/032,756 on January 11, 2005. At least by that date, had MAO received any information that the parent case for this divisional application was in a potential state of abandonment, thereby potentially losing for the divisional application the right to claim continuity from the date of the parent application, MAO would have authorized and instructed our attorney to take any and all necessary action in the USPTO to secure the pending status of the parent application to entitle the divisional application to the earlier filing date. However, no such notice of this potential had been received.

7. Subsequent to the payment of the fees discussed hereinabove, MAO was heavily occupied in its regular business operations and in numerous domestic and international patent issues.

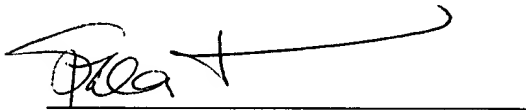
8. After our review with our attorney of our patent portfolio and docket in late 2006, it was recognized that there had been no communications from the USPTO since the payment of fees in September, 2004, concerning the publication or issue of claims for USSN 09/305,562. MAO, Inc., instructed our attorney to call the Patent

Examiner to get an explanation for the failure to receive any communications or for the patent to issue. Upon calling the USPTO, our attorney informed MAO that the case was in a status of abandonment for failure to pay the issue fees. A review of our file relating to the handling of the NOTICE OF ALLOWANCE AND FEE(S) DUE denoted that the fees paid were in the amount of \$632.50 as opposed for the requisite \$955.

9. The office of MAO, Inc have been located at 1636 Popps Ferry Road, Biloxi, Mississippi at all times relevant herein. To date MAO Inc, or its principals, officers, or employees have not received any notifications regarding deficient fees in this matter or the abandonment of the application. MAO did not have any intention to abandon this application by the failure to pay the appropriate fees or otherwise.

10. Our attorney of record, Terry B. Morris states that he has not received any communication regarding deficient fees or abandonment in this application.

11. MAO had not requested from the USPTO a file wrapper copy of this application, since paying apparent deficient patent issuance fees for USSN:09/305,562.



Stacey J. Perry

Subscribed and sworn to before me in my
presence, this 10TH day of JANUARY
2007, a Notary Public in and for the
County of HARRISON State of MISSISSIPPI
Debra Thomas
(Signature) Notary Public
My commission expires APRIL 5, 2009.





MAO Gaming
1636 Popps Ferry Rd, Suite 224
Biloxi, MS 39532

Hancock Bank
PO BOX 609
Ocean Springs, MS

1378

9/3/2004

85-368
655

PAY
TO THE
ORDER OF

US Patent & Trademark Office

\$ **632.50

Six Hundred Thirty-Two and 50/100*****

DOLLARS

LSRR 09/20/2004 410119091 1962 50

[Signature]

AUTHORIZED SIGNATURE

⑈001378 ⑆065503681⑆ 090962944⑈

⑈0000063250⑈

001378⑈ ⑆0655⑈03681⑆

090962944⑈

⑈0000063250⑈

FEDERAL RESERVE NOTE

LSRR 09/20/2004 410119091 1962 50

065503681 PAID

PER 09/20/2004 17 420379277 6755 23 WEIGHTED

0300612782

0656168149

09202004

0650-0021-0

ENT=0656168149

09202004 TRC=1962 PK=R

0520-0027-8 FRB BALTIMO

ENT=4025 TRC=4025 PK=05

⑈0310000114⑈

NACHOVIA NA SVC071 3854T

PHILA, PA 09172004 01PK

1012687771

⑈001378⑈ ⑆0655⑈03681⑆ 090962944⑈ ⑈0000063250⑈

ENDORSE HERE

PATENT AND TRADEMARK OFFICE

13-10-0001

09-16-2004

FOR CREDIT TO THE
U.S. TREASURY

DO NOT WRITE, STAMP, OR SIGN BEHIND THIS NOTE
SERIALIZED AND REGISTERED AT THE FEDERAL RESERVE NOTE
FEDERAL RESERVE NOTE

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or **Fax** **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Terry B. Morris
 C/O MAO Inc.
 1636 Popps Ferry Road
 Suite 224
 Biloxi, MS 39532



Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,652	08/08/1999	MARVIN A ORNSTEIN	MAO PTO 3.0	2313

TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	yes	\$650	\$300	\$632.50	\$332.50	unspecified
EXAMINER		ART UNIT	CLASS-SUBCLASS			

CAPRON, AARON J 3714

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
 1 Terry B. Morris
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE
 MAO Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)
 Biloxi, Mississippi

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☒ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Terry B. Morris

Date 1/10/07

Typed or printed name Terry B. Morris

Registration No. 32,345

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/306,652
Filing Date	06/08/1999
First Named Inventor	Mervin A. Ornstein
Art Unit	3714
Examiner Name	CAPRON, AARON J
Attorney Docket Number	MAO PTO 3.0

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input checked="" type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input type="checkbox"/> Other Enclosure(s) (please identify
below): |
|--|---|---|

Remarks
Petition is "PETITION TO ACCEPT PAYMENT OF FEES UNDER 37 CFR 1.137(b)"

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Morris & Associates		
Signature	<i>Terry B. Morris</i>		
Printed name	Terry B. Morris		
Date	10 JANUARY 2007	Reg. No.	32,345

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Terry B. Morris</i>		
Typed or printed name	Terry B. Morris	Date	10 JANUARY 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.